

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Magistrate Docket No.

Plaintiff,

'08 MJ 1437

v.

COMPLAINT FOR VIOLATION OF:

Pablo SANCHEZ-Reyes,

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

Defendant

The undersigned complainant, being duly sworn, states:

On or about **May 06, 2008** within the Southern District of California, defendant, **Pablo SANCHEZ-Reyes**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

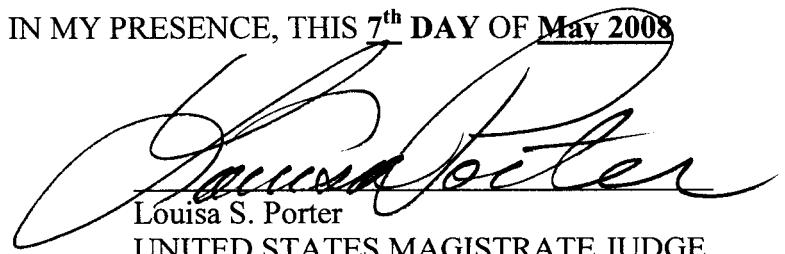
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James F. Bailey

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF May 2008


Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Pablo SANCHEZ-Reyes

PROBABLE CAUSE STATEMENT

On May 6, 2008, at approximately 2:00 am Border Patrol Agent L. Manent, was performing linewatch duties in the Chula Vista Area of Responsibility. Agent Manent was alerted by a scope operator "56 Scope Site" via Department of Homeland Security (DHS) service radio, of suspected illegal alien activity in "North Calpine." This area is located approximately three miles east of the Otay Mesa, California Port of Entry and approximately three miles north of the United States/Mexico International Boundary. After arriving in the area, Agent Manent encountered a group of seven individuals and identified himself as a United States Border Patrol Agent and questioned each individual as to their citizenship and nationality. They all responded "Mexico," including one later identified as **Pablo SANCHEZ- Reyes**. Agent Manent questioned each individual including the defendant to see if they had any immigration documents that would allow them to be or remain in the United States legally. They all responded "No." At approximately 2:30 am, Agent Manent placed the group under arrest and had them transported to the Chula Vista Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **May 02, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.